

EXHIBIT A

ANTHONY DE GARR ROBINSON QC

Barrister
Date of call: 1987
QC: 2006
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Tony de Garr Robinson's practice covers a broad range of commercial and chancery disciplines. Educated at Oxford and Harvard (where he was a Kennedy Scholar), he is regularly identified as a leading practitioner in legal surveys and the legal press. He is also a member of the British Virgin Islands Bar.

He is currently recommended in:

- **Chambers UK** - Commercial Litigation, Chancery/Commercial, Civil Fraud and Restructuring/Insolvency.
- **Chambers Global** - Commercial Litigation/Chancery Courts, Commercial Litigation/Commercial Courts and Restructuring/Insolvency.
- **Legal 500** - Commercial Litigation, Company Law, Civil Fraud and Sport.

Some notable cases include:

- **Evans v SMG** [2003] All ER (D) 348 - successfully opposed Chris Evans' challenge against his removal as Virgin Radio's breakfast show presenter.
- **Dardana v Yukos Oil** [2002] 2 Lloyd's Rep 261 - leading case on the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.
- **Bowthorpe Holdings v Hills** [2003] 1 BCLC 226 - dispute relating to an offshore fund management joint venture.
- **Jewson v Kelly** [2004] 1 Lloyd's Rep 205 - leading case on the fitness for purpose/merchantable quality terms implied under the Sale of Goods Act.

He is a member of the Committee of the Chancery Bar Association and Chairs its International Relations Sub-Committee. He is also a member of the Commercial Bar Association (COMBAR).

SCOPE OF PRACTICE

- Arbitration

- Banking & financial services
- Company
- Confidential information and privacy
- Conflicts & international litigation
- Fraud, asset tracing and injunctions
- Insolvency and corporate recovery
- Joint ventures & partnerships
- Media, entertainment & sport

EXAMPLES OF RECENT CASES

Banking & financial services

He undertakes all forms of banking and banking-related litigation, but has particular experience of:

- fund management and hedge fund business structures and disputes
- CDO transactions
- securitisations
- derivatives
- futures
- investment advice claims
- private banking relationships, including disputes involving high net worth families
- the enforcement of all forms of real and personal security
- energy trading

Relevant cases include:

- *Fabien Pictet & Partners Ltd v The Ukraine Opportunity Trust Plc* - In 2007, he acted for a fund management company (FPP) in a dispute with an investment trust (UKRO) relating to FPP's investment management agreement with UKRO.
- *Crapanzano v Nylon Capital LLP* - In 2006/7, he acted for the investment manager of a hedge fund in a claim brought by one of its former partners and managers for a share in the business.
- *Royal Exchange Trust Company v Sabre Funding No. 1* - In 2003/4, he acted for UBS Warburg in a substantial dispute relating to the rights attached to various classes of notes in a \$2.2 billion CDO transaction.
- *Securum Finance Limited v Ashton* [2001] Ch 291 - At first instance, this case determined the effect of, and limitation period for, an "all monies" payment covenant in a mortgage. The Court of Appeal subjected the relationship between a bank's mortgage claims and personal claims for payment to authoritative analysis.
- *John Lincoln Duffield v Jupiter International Plc* - In 2000, he acted for John Duffield in his disputes with Jupiter International Group Limited and Commerzbank.

Fraud, asset tracing and injunctions

He is a specialist in this area. He has wide experience of freezing orders, search and seizure orders and third party disclosure orders, both in England and in offshore jurisdictions such as Jersey, the British Virgin Islands, the Cayman Islands, Bermuda and the United States. He has obtained many substantial worldwide freezing orders.

He has particular expertise in international asset tracing litigation. He has acted as an English law expert in fraud-related proceedings in other jurisdictions.

For several years he acted for Corporacion Nacional del Cobre de Chile (Codelco), the world's largest copper producer, in a series of claims arising out of a bribery scandal following the discovery that Codelco's principal futures trader had engaged in substantial unauthorised trading and incurred enormous losses on the London Metal Exchange.

Reported cases include:

- *Marketmaker Ltd v CMC Group Plc* [2004] All ER (D) 99 - In this case, he acted for a defendant who successfully discharged injunctions that the claimant had obtained without notice. He subsequently obtained an order that the claimants to pay indemnity costs on the basis (amongst other things) that there had been a breach of the duty of full and frank disclosure. He ultimately secured a stay of the entire proceedings on the basis of the claimants' abusive conduct of the proceedings.
- *Corporacion Nacional del Cobre de Chile v Sogemin Metals Ltd* [1997] 1 WLR 1396 - This case established that contributory negligence cannot be a defence to a claim based on bribery.
- *Corporacion Nacional del Cobre de Chile v Metallgesellschaft Ltd* (The Times, January 6, 1999) - This case established that a defendant to a fraud claim could be ordered to give early disclosure so that the claimant can decide whether to apply for Summary Judgment.

Company

He has acted in innumerable shareholder disputes, section 459 petitions and derivative actions. He also frequently acts in company claims against directors and other fiduciaries. He often encounters company law issues in what would otherwise be seen as pure commercial disputes.

Relevant cases include:

- *Re Freudiana Holdings Limited* - In 1992/3, he acted for the respondent in one of the longest ever section 459 petitions, the trial of which occupied over a year. Ultimately, the petitioner made himself bankrupt and the respondent obtained a summary order for the costs of the trial (assessed at £2 million) and recovered these costs by obtaining a third costs order against the petitioner's pension fund trustees, who had funded the petition.
- *Bowthorpe Holdings Ltd v Hills* [2003] 1 BCLC 226 - This was a joint venture case in which (amongst other things) the Vice Chancellor considered whether the unanimous consent of a company's shareholders can validate a transaction where there is bad faith and/or the company is at or nearing insolvency.
- *Federal Trust Company Limited v Candy* - In 2005, he acted for alleged de facto and shadow directors of a Jersey company in a substantial diversion of corporate opportunity claim. The claim was brought by a minority shareholder by way of derivative proceedings in London.
- *Anila Shastri and Chitralekha Mehta v Pathak* - In 2006, he acted in a substantial dispute regarding the ownership of the Pathak Spices group of companies.

Insolvency and corporate recovery

He has experience of all forms of insolvency proceedings. In recent years, he acted for Innogy Plc in a strongly contested winding up petition against TXU Europe Energy Trading Limited and for Morgan Stanley in a claim by Enron's administrators to recover a \$6 million debt due in relation to Enron's energy trading.

For an entertaining newspaper report of an oral examination that he conducted a few years ago on behalf of a liquidator, see this [Northern Echo article](#).

Reported cases include:

- **Ash & Newman v Creative Devices Research [1991] BCLC 403** - This case decided whether an administrative receiver should be restrained by injunction from dealing in property which is subject to a right of pre-emption.
- **Knight v Lawrence [1993] BCLC 215** - This case established that an LPA receiver appointed by a creditor owes a duty of care to a guarantor of the debtor.
- **Re Mineral Resources Limited [1999] 1 All ER 746** - This case considered whether a waste management licence can be disclaimed by a liquidator as onerous property under the Insolvency Act

Joint ventures & partnerships

He frequently acts in cases which have a fiduciary element, such as joint ventures and partnerships. He has particular expertise in the use of Equity to supplement contractual structures/relationships so that they accord with the expectations of the parties and the claims of good conscience.

He is familiar with the business structures used in fund management, hedge fund and other similar operations.

Notable cases include:

- **Crapanzano v Nylon Capital LLP (2006/7)** - A claim brought by the a former limited liability partner and shareholder in a hedge fund operation for a share in the business
- **Bowthorpe Holdings Ltd v Hills [2003] 1 BCLC 226** - A joint venture case relating to an offshore fund management operation.
- **Evans v SMG [2003] All ER (D) 348** - Chris Evans' much publicised claim in relation to his dismissal as Virgin Radio's breakfast show presenter, which had a substantial partnership element.

Arbitration

Reported cases include:

- **Dardana Limited v Yukos Oil Company [2002] 2 Lloyds Rep 261 (Commercial Court) and [2002] 2 Lloyds Rep 326 (Court of Appeal)** - Case on the New York Convention.

Conflicts & international litigation

He has substantial experience of multinational litigation.

He has acted in many jurisdictional disputes and forum challenges.

He regularly deals with conflicts issues and cases involving expert evidence of foreign law, including (for example) Dutch law, French law, German law, Iranian law, Japanese law, Lebanese law, Russian law, Spanish law, Swiss law and Sharia'a law.

He has advised governments on state immunity and other issues.

He has acted or advised in many cases in offshore jurisdictions, including Bermuda, the Bahamas, the British Virgin Islands, the Cayman Islands, the Channel Islands, Panama and the United States.

He has acted as an English Law Expert in foreign proceedings.

He is a member of the British Virgin Islands Bar. In recent years, he has spent considerable time litigating with Advocates in Jersey.

Confidential information and privacy

As well as acting in cases involving the misuse of commercially valuable information, he has also acted in personal privacy cases.

Relevant cases include:

- **Re a Settlement** - In 2004, he acted for a claimant in a sensitive undue influence case which would have been widely reported in the international press had the parties not secured orders that the entire proceedings be heard in private.
- **Pell Frischmann Engineering Ltd v Bow Valley Ltd** - In 2006, he spent much of the year litigating a claim in Jersey relating to the abuse of confidential information relating to a valuable oilfield development contract in Iran.

Media, entertainment & sport

- He has considerable media experience and is familiar with most forms of media contract, including recording contracts, video contracts, publishing contracts and copyright licences.
- He spent a year in court acting for the late theatrical producer Brian Brolly in a claim relating to the creation and production of a musical show (**Re Freudiana Holdings Limited**).
- He acted for Virgin Radio and SMG in the widely publicised claim brought by Chris Evans (**Evans v SMG [2003] All ER (D) 348**).
- He acted for the producers of "Riverdance - The Show" in an action brought by Michael Flatley.
- He acted for Tony Visconti in a claim to ownership of the many recordings which Tony Visconti had produced for Marc Bolan / T.Rex.
- He has experience of protecting the privacy of individuals in the public eye figures (see the section on Confidential Information and Privacy above)
- He has advised and acted for a number of football clubs and players, both in High Court and arbitration proceedings. The football clubs for which he has acted include Tottenham Hotspur, Reading and Fulham.
- He has also acted for the World Professional Billiards and Snooker Association.

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